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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of: ROSEN et al.

Application Serial No.: 09/764,872

Group Art Unit: 1614

Filed: January 17, 2001

Examiner: Not assigned

For: Nucleic Acids, Proteins and Antibodies

Attorney Docket No.: PA125

**RESPONSE AND PETITION TO NOTICE OF OMITTED
ITEM(S) IN A NONPROVISIONAL APPLICATION**

Commissioner For Patents
Washington, D.C. 20231

RECEIVED

DEC 31 2001

OFFICE OF PETITIONS


Sir:

In response to the Notice of Omitted Item(s) In A Nonprovisional Application dated October 15, 2001, submitted herewith is a copy of page 448, as well as a copy of the postcard date-stamped January 17, 2001 by the Patent and Trademark Office, confirming that 555 pages of the specification were received. Likewise enclosed is a copy of the Notice of Omitted Item(s) in a Nonprovisional Application. Applicants believe that page 448 was part of the application as originally filed and therefore request a refund of the \$130.00 petition fee.

The Commissioner is hereby authorized to charge the required petition fee of \$130.00, and any other fees deemed necessary, to Deposit Account No. 08-3425.

Respectfully submitted,

Dated: December 14, 2001


Kenley K. Hoover (Reg. No. 40,302)
Attorney for Applicants

Human Genome Sciences, Inc.

9410 Key West Avenue
Rockville, Maryland 20850
301-610-5771 (telephone)

Adjustment date: 03/22/2002 AKELLEY
12/18/2001 AGOITOM 00000027 083425 09764872
01 FC:122 130.00 CR

KKH/rmr

PLEASE HOLD FOR
SERIAL NUMBER

Applicants Rosen et al.

Docket No. PA1251 P

Application No.: Unassigned

Filed: Herewith

Title: Nucleic Acids, Proteins, and Antibodies

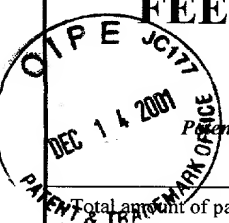
Documents Filed Via Hand Delivery on January 17, 2001

1. Post card(s) (2);
2. Utility Patent Application Transmittal;
3. Patent Application Fee Value Transmittal (in dupl.);
4. Executed Declaration for Patent Application (5 pages);
5. Specification: [(pp.: 1-555] Claims: (24 claims)[(5 pp : 556-560)]; Abstract: (1 pg.: 561); Sequence Listing on
computer-readable form on 3 Compact Discs (Copy 1, Copy 2, and CRF);
6. Transmittal and Submission Under 37 C.F.R. §§ 1.824 and 1.52(e);
7. Statement Under 37 C.F.R. § 1.821;
8. Executed Assignment & Assignment Recordation Form Cover Sheet (in dupl.)(3 pages); and
9. Application Data Sheet (13 Pages).

03CO
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

<h1 style="margin:0;">FEE TRANSMITTAL</h1> <h2 style="margin:0;">for FY 2002</h2> <p style="margin:0; font-size: small;">Patent fees are subject to annual revision.</p>		<p>Complete if Known</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>Application Number</td><td>09/764,872</td></tr> <tr><td>Filing Date</td><td>January 17, 2001</td></tr> <tr><td>First Named Inventor</td><td>ROSEN et al.</td></tr> <tr><td>Examiner Name</td><td>Not assigned</td></tr> <tr><td>Group Art Unit</td><td>1614</td></tr> <tr><td>Attorney Docket Number</td><td>PA125</td></tr> </table>		Application Number	09/764,872	Filing Date	January 17, 2001	First Named Inventor	ROSEN et al.	Examiner Name	Not assigned	Group Art Unit	1614	Attorney Docket Number	PA125
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Total amount of payment	\$130.00														



METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																																																																												
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to</p> <p>Deposit Account Number 08-3425</p> <p>Deposit Account Name Human Genome Sciences, Inc.</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other*</p>	<p>3. ADDITIONAL FEES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use hearing</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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Submitted By		<small>Complete (if applicable)</small>	
Name (Print/Type)	Kenley K. Hoover	Registration No.:	40,302
Signature:		Telephone	(301) 610-5771
		Date:	December 14, 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/764,872	01/17/2001	Craig A. Rosen	PA125

CONFIRMATION NO. 6983

22195
HUMAN GENOME SCIENCES INC
9410 KEY WEST AVENUE
ROCKVILLE, MD 20850

FORMALITIES LETTER



OC000000006900979

Date Mailed: 10/15/2001



NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) **Page 448** of the specification (description and claims).


I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10/1/2010 10:10:10 AM